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10 Attorneys for Plaintiff
11 SPOTLIGHT SURGICAL, INC.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 SPOTLIGHT SURGICAL, INC., Plaintiff,
15 v. Defendants.
16

17 Case No. C-07-03362 JF

18 **STIPULATION AND [PROPOSED]**
19 **ORDER TO CONTINUE CASE**
20 **MANAGEMENT CONFERENCE AND**
21 **RELATED DEADLINES**

22 Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and
23 DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel,
24 as follows:

25 1. The Court's Order Re Plaintiff's Ex Parte Application to Extend Dates entered
26 on September 10, 2007 sets forth the following deadlines:

27 November 6, 2007 Last day to:

28

- meet and confer re: initial disclosures, early settlement,
ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR
Process or Notice of Need for ADR Phone Conference.

29 **STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE AND**
30 **RELATED DEADLINES**

1 November 20, 2007 Last day to file Rule 26(f) Report, complete initial
 2 disclosures or state objection in Rule 26(f) Report and file
 3 Case Management Statement.
 4 November 30, 2007 Initial Case Management Conference (CMC) in Courtroom
 5 3, 5th Floor, SJ at 10:30 a.m.

6
 7 2. The parties are engaged in settlement discussions in an effort to resolve this
 8 litigation.

9 3. The parties wish to continue the Initial Case Management Conference and
 10 extend the deadlines for the parties to meet and confer regarding initial disclosures, early
 11 settlement, ADR process selection, and discovery plan; file Joint ADR Certification with
 12 Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule
 13 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case
 14 Management Statement, all for approximately 30 days, in order to conserve the resources of
 15 the parties and the Court and to allow the parties the opportunity to continue focusing on
 16 settlement discussions.

17 4. There being good cause, the parties hereby stipulate and respectfully request
 18 that the Court issue an Order resetting the above deadlines as follows:

19
 20 December 6, 2007 Last day to:
 21 • meet and confer re: initial disclosures, early settlement,
 22 ADR process selection, and discovery plan; and
 23 • file Joint ADR Certification with Stipulation to ADR
 24 Process or Notice of Need for ADR Phone Conference.

25 December 20, 2007 Last day to file Rule 26(f) Report, complete initial
 26 disclosures or state objection in Rule 26(f) Report and file
 27 Case Management Statement.

January 4, 2008

Initial Case Management Conference (CMC) in Courtroom 3, 5th Floor, SJ at 10:30 a.m.

Dated: November 2, 2007

HELLER EHRLMAN LLP

By _____ /HJM/

Harold J. Milstein

Attorneys For Plaintiff SPOTLIGHT
SURGICAL, INC.

Dated: November 2, 2007

MORGAN, LEWIS & BOCKIUS LLP

By Leslie C. McKnew

Attorneys for Defendants DEPUY, INC. and
DEPUY SPINE, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/9/07 , 2007

The Honorable Jeremy Fogel
United States District Judge